

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

BRENDA PALMER,)
Plaintiff,) Case No.:
v.)
CREDENCE RESOURCE)
MANAGEMENT,)
LLC, *ET AL.*)
Defendants.)

NOTICE OF REMOVAL

Please take notice that, pursuant to 28 U.S.C. §§ 1331, 1441, and 1446, defendant Credence Resource Management, LLC (“CRM”) hereby removes the above-captioned civil action from the Circuit Court of Jefferson County, State of Alabama (hereinafter referred to as “the State Court”) to the United States District Court for the Northern District of Alabama. The removal of this civil action is proper, because:

1. On or about July 29, 2023 plaintiff Brenda Palmer, through her attorney, initiated in the State Court a civil action entitled *Brenda Palmer, Plaintiff v. Credence Resource Management, LLC; Fictitious Defendants “A”, “B” and “C”* thereby intending to refer to the legal entity, person, firm or corporation which was responsible for or conducted the wrongful acts alleged in the Complaint; Names of

the Fictitious Persons are unknown to the Plaintiff at this time but will be added by amendment when ascertained, Defendants, No. 01-CV-2023-902615.00 on the docket of the State Court (hereinafter referred to as “the State Court Action”) by filing a Complaint (“the Complaint”). No further proceedings before the State Court have occurred.

2. On or about July 29, 2023 the State Court clerk issued a Summons – Civil (“the Summons”) directed to CRM.

3. On August 4, 2023 CRM, through its agent for service of process, CSC, was served with the Summons and a copy of the Complaint, as reflected in the August 4, 2023, CSC Notice of Service of Process Transmittal Number: 27411393 that CSC sent to CRM by e-mail, together with the Summons and the Complaint.

4. Plaintiff Brenda Palmer’s claim against CRM is based upon the U.S. Fair Debt Collections Practices Act (“FDCPA”), 15 U.S.C. § 1692 *et seq.*

5. Pursuant to 28 U.S.C. § 1331, this Court has original jurisdiction over plaintiff’s claim, because the Complaint filed in the State Court Action presents a federal question arising under the FDCPA.

6. Pursuant to 28 U.S.C. § 1441(a), the State Court Action is removable to this Honorable Court, because it is a civil action, brought in state court, over which the district courts of the United States have original jurisdiction.

7. CRM is filing this Notice of Removal timely under 28 U.S.C. § 1446(b), because CRM is filing it within thirty (30) days after CRM's receipt of the initial pleading setting forth the claim for relief by Plaintiff.

8. A copy of all process, pleadings and orders served upon defendant CRM in the State Court Action is being filed with this Notice and is attached as Exhibit A.

9. Written notice of this Notice of Removal of this action is being immediately provided to the Circuit Court of Jefferson County, State of Alabama. *See Exhibit "B."*

10. Written notice of this Notice of Removal of this action is being caused to be served on the Plaintiff.

WHEREFORE, Defendant Credence Resource Management, LLC hereby gives notice that this action is removed from the Circuit Court of Jefferson County, State of Alabama, to the to this Honorable Court.

Dated: August 31, 2023

Respectfully submitted,

/s/ Laura C. Nettles

Attorney for Defendant
Credence Resource Management, LLC

OF COUNSEL

Lloyd Gray Whitehead & Monroe PA
880 Montclair Road, Suite 100
Birmingham, AL 35213
Telephone: (205) 967-8822

lnettles@lgwmlaw.com

CERTIFICATE OF SERVICE

I hereby certify that on August 31, 2023, a copy of the foregoing was filed electronically in in the ECF system. Notice of this filing will be sent to the parties of record by operation of the Court's electronic filing system, including Plaintiff's counsel as described below. Parties may access this filing through the Court's system.

Patricia S. Lockhart
John G. Watts, Esq.
M. Stan Herring, Esq.
Watts & Herring, LLC
The Kress Building
301 19th Street North
Birmingham, Alabama 35203
patricia@wattsherring.com
john@wattsherring@gmail.com
stan@wattsherring@gmail.com
Attorneys for Plaintiff

/s/ Laura C. Nettles

Of Counsel

EXHIBIT A



AlaFile E-Notice

01-CV-2023-902615.00

To: CREDENCE RESOURCE MANAGEMENT, LLC
C/O CORPORATION SVC CO
641 SOUTH LAWRENCE ST.
MONTGOMERY, AL, 36104

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF JEFFERSON COUNTY, ALABAMA

BRENDA PALMER V. CREDENCE RESOURCE MANAGEMENT, LLC
01-CV-2023-902615.00

The following complaint was FILED on 7/29/2023 12:01:22 PM

Notice Date: 7/29/2023 12:01:22 PM

JACQUELINE ANDERSON SMITH
CIRCUIT COURT CLERK
JEFFERSON COUNTY, ALABAMA
JEFFERSON COUNTY, ALABAMA
716 N. RICHARD ARRINGTON BLVD.
BIRMINGHAM, AL, 35203

205-325-5355
jackie.smith@alacourt.gov

State of Alabama Unified Judicial System Form C-34 Rev. 4/2017	SUMMONS - CIVIL -	Court Case Number 01-CV-2023-902615.00
IN THE CIRCUIT COURT OF JEFFERSON COUNTY, ALABAMA BRENDA PALMER V. CREDENCE RESOURCE MANAGEMENT, LLC		
NOTICE TO: CREDENCE RESOURCE MANAGEMENT, LLC, C/O CORPORATION SVC CO 641 SOUTH LAWRENCE ST., MONTGOMERY, AL 36104 <hr/> <i>(Name and Address of Defendant)</i>		
THE COMPLAINT OR OTHER DOCUMENT WHICH IS ATTACHED TO THIS SUMMONS IS IMPORTANT, AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS. YOU OR YOUR ATTORNEY ARE REQUIRED TO FILE THE ORIGINAL OF YOUR WRITTEN ANSWER, EITHER ADMITTING OR DENYING EACH ALLEGATION IN THE COMPLAINT OR OTHER DOCUMENT, WITH THE CLERK OF THIS COURT. A COPY OF YOUR ANSWER MUST BE MAILED OR HAND DELIVERED BY YOU OR YOUR ATTORNEY TO THE PLAINTIFF(S) OR ATTORNEY(S) OF THE PLAINTIFF(S), JOHN GRIFFIN WATTS		
<i>[Name(s) of Attorney(s)]</i>		
WHOSE ADDRESS(ES) IS/ARE: 301 19th Street North, BIRMINGHAM, AL 35203		
<i>[Address(es) of Plaintiff(s) or Attorney(s)]</i>		
THE ANSWER MUST BE MAILED OR DELIVERED WITHIN 30 DAYS AFTER THIS SUMMONS AND COMPLAINT OR OTHER DOCUMENT WERE SERVED ON YOU OR A JUDGMENT BY DEFAULT MAY BE RENDERED AGAINST YOU FOR THE MONEY OR OTHER THINGS DEMANDED IN THE COMPLAINT OR OTHER DOCUMENT.		
TO ANY SHERIFF OR ANY PERSON AUTHORIZED BY THE ALABAMA RULES OF CIVIL PROCEDURE TO SERVE PROCESS:		
<input type="checkbox"/> You are hereby commanded to serve this Summons and a copy of the Complaint or other document in this action upon the above-named Defendant.		
<input checked="" type="checkbox"/> Service by certified mail of this Summons is initiated upon the written request of <u>BRENDA PALMER</u> pursuant to the Alabama Rules of the Civil Procedure.		
07/29/2023 <i>(Date)</i>	<i>/s/ JACQUELINE ANDERSON SMITH</i>	By: <i>(Signature of Clerk)</i>
<input checked="" type="checkbox"/> Certified Mail is hereby requested.		
<i>/s/ JOHN GRIFFIN WATTS</i> <i>(Plaintiff's/Attorney's Signature)</i>		
RETURN ON SERVICE		
<input type="checkbox"/> Return receipt of certified mail received in this office on _____. <i>(Date)</i>		
<input type="checkbox"/> I certify that I personally delivered a copy of this Summons and Complaint or other document to _____ in _____ County, <i>(Name of Person Served)</i> <i>(Name of County)</i>		
Alabama on _____. <i>(Date)</i>		
<i>(Address of Server)</i> <hr/>		
<i>(Type of Process Server)</i>	<i>(Server's Signature)</i>	<hr/>
<i>(Server's Printed Name)</i>		<i>(Phone Number of Server)</i>



ELECTRONICALLY FILED

7/29/2023 12:01 PM

01-CV-2023-902615.00

CIRCUIT COURT OF

01 JEFFERSON COUNTY, ALABAMA
JACQUELINE ANDERSON SMITH, CLERK

Date of Filing: 07/29/2023 Judge Code:

State of Alabama
 Unified Judicial System
 Form AR Civ-93 Rev. 9/18

**COVER SHEET
 CIRCUIT COURT - CIVIL CASE**
 (Not For Domestic Relations Cases)

Ca:

01

JEFFERSON COUNTY, ALABAMA

JACQUELINE ANDERSON SMITH, CLERK

Date of Filing:

Judge Code:

07/29/2023

GENERAL INFORMATION**IN THE CIRCUIT COURT OF JEFFERSON COUNTY, ALABAMA
 BRENDA PALMER v. CREDECENCE RESOURCE MANAGEMENT, LLC**

First Plaintiff: Business Individual
 Government Other

First Defendant: Business Individual
 Government Other

NATURE OF SUIT: Select primary cause of action, by checking box (check only one) that best characterizes your action:

TORTS: PERSONAL INJURY

- WDEA - Wrongful Death
- TONG - Negligence: General
- TOMV - Negligence: Motor Vehicle
- TOWA - Wantonness
- TOPL - Product Liability/AEMLD
- TOMM - Malpractice-Medical
- TOLM - Malpractice-Legal
- TOOM - Malpractice-Other
- TBFM - Fraud/Bad Faith/Misrepresentation
- TOXX - Other: _____

TORTS: PERSONAL INJURY

- TOPE - Personal Property
- TORE - Real Properly

OTHER CIVIL FILINGS

- ABAN - Abandoned Automobile
- ACCT - Account & Nonmortgage
- APAA - Administrative Agency Appeal
- ADPA - Administrative Procedure Act
- ANPS - Adults in Need of Protective Service

OTHER CIVIL FILINGS (cont'd)

- MSXX - Birth/Death Certificate Modification/Bond Forfeiture Appeal/Enforcement of Agency Subpoena/Petition to Preserve
- CVRT - Civil Rights
- COND - Condemnation/Eminent Domain/Right-of-Way
- CTMP - Contempt of Court
- CONT - Contract/Ejectment/Writ of Seizure
- TOCN - Conversion
- EQND - Equity Non-Damages Actions/Declaratory Judgment/Injunction Election Contest/Quiet Title/Sale For Division
- CVUD - Eviction Appeal/Unlawful Detainer
- FORJ - Foreign Judgment
- FORF - Fruits of Crime Forfeiture
- MSHC - Habeas Corpus/Extraordinary Writ/Mandamus/Prohibition
- PFAB - Protection From Abuse
- EPFA - Elder Protection From Abuse
- QTLB - Quiet Title Land Bank
- FELA - Railroad/Seaman (FELA)
- RPRO - Real Property
- WTEG - Will/Trust/Estate/Guardianship/Conservatorship
- COMP - Workers' Compensation
- CVXX - Miscellaneous Circuit Civil Case

ORIGIN: F INITIAL FILINGA APPEAL FROM
 DISTRICT COURTO OTHERR REMANDEDT TRANSFERRED FROM
 OTHER CIRCUIT COURTHAS JURY TRIAL BEEN DEMANDED? YES NO

Note: Checking "Yes" does not constitute a demand for a jury trial. (See Rules 38 and 39, Ala.R.Civ.P, for procedure)

RELIEF REQUESTED: MONETARY AWARD REQUESTED NO MONETARY AWARD REQUESTED**ATTORNEY CODE:**

WAT056

7/29/2023 12:01:18 PM

/s/ JOHN GRIFFIN WATTS

Date

Signature of Attorney/Party filing this form

MEDIATION REQUESTED: YES NO UNDECIDEDElection to Proceed under the Alabama Rules for Expedited Civil Actions: YES NO



ELECTRONICALLY FILED
7/29/2023 12:01 PM

01-CV-2023-902615.00

CIRCUIT COURT OF

JEFFERSON COUNTY, ALABAMA
JACQUELINE ANDERSON SMITH, CLERK

IN THE CIRCUIT COURT OF JEFFERSON COUNTY, ALABAMA

BRENDA PALMER,)
an individual,)
)
Plaintiff,)
)
v.) Civil Action No.:
)
CREDENCE RESOURCE)
MANAGEMENT, LLC;)
Fictitious Defendants "A", "B" and)
"C" thereby intending to refer to)
the legal entity, person, firm or)
corporation which was responsible)
for or conducted the wrongful acts)
alleged in the Complaint; Names of)
the Fictitious parties are unknown)
to the Plaintiff at this time but will)
be added by amendment when)
ascertained)
)
Defendants.)

COMPLAINT

COMES NOW the Plaintiff, by and through counsel, in the above styled cause, and for Plaintiff's Complaint against the Defendant¹ states as follows:

1. This action arises out of Defendant's repeated violations of the Fair Debt Collection Practices Act², 15 U.S.C. § 1692 et seq. ("FDCPA") by the

¹ "Defendant" means all defendants, including fictitiously named defendants.

² Any reference the FDCPA or any part thereof encompasses all relevant parts and subparts of each statute.

Defendant and its agents in their illegal efforts to collect a consumer debt from Plaintiff.

PARTIES

2. Plaintiff **BRENDA PALMER** (hereinafter “Plaintiff”) is a natural person who is a resident of Alabama.
3. Defendant **CREDENCE RESOURCE MANAGEMENT, LLC** (hereinafter “Defendant”), is a debt collection firm that engages in the business of debt collection. Its principal business purpose is the collection of defaulted debts, and it uses various instruments of interstate commerce to accomplish debt collection including sending letters, calling on the phone, credit reporting, filing of lawsuits, etc.
4. **Fictitious Defendants “A”, “B” and “C”** thereby intending to refer to the legal entity, person, firm or corporation which was responsible for or conducted the wrongful acts alleged in the Complaint; names of the Fictitious parties are unknown to the Plaintiff at this time but will be added by amendment when ascertained.
5. Any reference to any **Defendant** refers to all **Defendants** and **Fictitious Defendants**.

JURISDICTION

6. Personal jurisdiction exists over **Defendant** as **Defendant** has the necessary minimum contacts with the State of Alabama and this suit arises out of **Defendant's** specific conduct with **Plaintiff** in Alabama. All the actions described in this suit occurred in Alabama.

VENUE

7. Venue is proper as **Defendant** does business in this judicial district.

FACTUAL ALLEGATIONS

8. Congress found it necessary to pass the FDCPA due to rampant abusive practices by dishonorable debt collectors. 15 USC § 1692 is entitled "Congressional findings and declaration of purpose" and it states as follows:
 - (a) There is **abundant evidence** of the use of abusive, deceptive, and unfair debt collection practices by many debt collectors. **Abusive debt collection practices contribute** to the number of personal bankruptcies, to marital instability, to the loss of jobs, and **to invasions of individual privacy**.
 - (b) Existing laws and procedures for redressing these injuries are inadequate to protect consumers.
 - (c) **Means other than misrepresentation or other abusive debt collection practices are available for the effective collection of debts.**
 - (d) Abusive debt collection practices are carried on to a substantial extent in interstate commerce and through means and instrumentalities of such commerce. Even where abusive debt collection practices are purely intrastate in character, they nevertheless directly affect interstate commerce.
 - (e) It is the **purpose** of this title to **eliminate abusive debt collection practices** by debt collectors, to **insure that those debt collectors who refrain from using abusive debt collection**

practices are not competitively disadvantaged, and to promote consistent State action to protect consumers against debt collection abuses.

[Emphasis added].

9. Plaintiff allegedly incurred a financial obligation that was primarily for personal, family or household purposes and is therefore a “debt” as that term is defined by 15 U.S.C. § 1692a(5).
10. Defendant is considered a “debt collector” and began engaging in debt collection activities against Plaintiff.
11. The primary and principal business of Defendant is to collect alleged defaulted debts.
12. At the time that Defendant received the alleged debt of Plaintiff, the alleged debt was in default.
13. Defendant claimed Plaintiff owed Defendant money.
14. Defendant began collection activities against Plaintiff.
15. Plaintiff sent a letter to Defendant, and it was delivered to Defendant on **April 24, 2023**.
16. The letter clearly instructed Defendant that all debts it claimed to have on Plaintiff were disputed.

17. Despite this, and in violation of the FDCPA, **Defendant** updated **Plaintiff's** credit reports with an account from **Defendant** without marking the account as disputed.
18. Sometime in **May 2023**, **Defendant** updated its account on the **May 22, 2023**, **Experian** report of **Plaintiff** without showing the account as disputed.
19. On **May 20, 2023**, **Defendant** updated its account on the **May 22, 2023**, **Trans Union** report of **Plaintiff** without showing the account as disputed.
20. All of the above-described actions by **Defendant** and collection agents of **Defendant** were made in violation of the FDCPA.
21. The conduct of the **Defendant** has proximately caused **Plaintiff** damages.

CAUSES OF ACTION

COUNT I.

**VIOLATIONS OF THE FAIR DEBT COLLECTION PRACTICES ACT
15 U.S.C. § 1692 et seq.**

22. The acts and omissions of **Defendant** and its agents constitute numerous and multiple violations of the FDCPA (and Regulation F) with respect to **Plaintiff**, including, but not limited to, violations of 1692d, 1692e, 1692e(8), 1692e(10), 1692f and 1692f(1) along with Regulation F related to these sections and communication between debt collectors (such as **Defendant**) and **Plaintiff**.
23. As a result of **Defendant**'s violations of the FDCPA, **Plaintiff** is entitled to damages and reasonable attorney's fees and costs from **Defendant**.

PRAYER FOR RELIEF

WHEREFORE, PREMISES CONSIDERED, Plaintiff prays that judgment be entered against Defendant for all damages allowable, costs, expenses, attorney fees, injunctive relief to prevent further violations, and for such other and further relief as may be just and proper.

Respectfully Submitted,

/s/ Patricia S. Lockhart
Patricia S. Lockhart (LOC023)
Watts & Herring, LLC
The Kress Building
301 19th Street North
Birmingham, Alabama 35203
(256) 276-2527
patricia@wattsherring.com
Attorney for Plaintiff

/s/ John G. Watts
John G. Watts (WAT056)
M. Stan Herring (HER037)
Watts & Herring, LLC
The Kress Building
301 19th Street North
Birmingham, Alabama 35203
(205) 879-2447
(888) 522-7167 *facsimile*
john@wattsherring.com
stan@wattsherring.com
Attorneys for Plaintiff

PLAINTIFF DEMANDS A TRIAL BY JURY

Serve defendant via certified mail at the following address:

**CREDENCE RESOURCE MANAGEMENT, LLC
c/o CORPORATION SERVICE COMPANY INC
641 SOUTH LAWRENCE STREET
MONTGOMERY, AL 36104**

CERTIFIED MAIL®



JACQUELINE ANDERSON SMITH, CLERK
CIRCUIT COURT OF JEFFERSON COUNTY
CIVIL DIVISION-ROOM 400
716 RICHARD ARRINGTON JR. BLVD NORTH
BIRMINGHAM, ALABAMA 35203



9589 0710 5270 0580 0798 99

